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June 29, 2017

The Honorable Katherine Polk Failla
 Thurgood Marshall
 United States Courthouse
 40 Foley Square
 New York, NY 10007

Re: 17 CV 4755
Beierwaltes v Director General of
Antiquities of the Lebanese Republic

Dear Judge Failla:

I thank the Court for taking the time on June 22 to discuss this case informally with Mr. Lederman and me. At the Court's reasonable suggestion, this Office has carefully considered the legally appropriate steps to be taken in light of the filing of the Complaint for Declaratory Judgment.

As the Court and counsel are aware, the Greek archaic marble Head of a Bull ("Bull's Head") at issue is the subject of an active criminal investigation by this Office. Based on the evidence uncovered during this investigation, it is incontrovertible that the Bull's Head—excavated from the Temple of Eshmun in 1967—was stolen from a storage facility in Beirut during the civil war in 1981 and illegally removed from the country. It is this Office's position that "New York case law has long protected the right of the owner whose property has been stolen to recover that property, even if it is in the possession of a good-faith purchaser for value." Solomon R. Guggenheim Foundation v. Lubell, 77 N.Y. 2d 311, 317 (1991); Bakalar v. Vavra, 619 F.3d 136, 140 (2d Cir. 2010) ("in New York, a thief cannot pass good title"). We will, therefore, be seizing the Bull's Head in the same manner as we would any other stolen property under New York law pursuant to a judicially authorized warrant.

Nonetheless, this Office has no intention of repatriating the Bull's Head to the Republic of Lebanon prior to the resolution of the matter before Your Honor. Should that change for any reason, I will notify this Court and counsel well in advance of taking any action. I have already notified Mr. Lederman of our decision.

Respectfully,

Matthew Bogdanos
 Assistant District Attorney
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CC *via e-mail*: Georges Lederman, Esq.